NOTICE OF CHILD SUPPORT SERVICES PROGRAM

DCSS 0064 (08/25/05)

WHAT CHILD SUPPORT CAN DO FOR YOU:

All children have the right to be supported by both parents. Any person, including a noncustodial parent, whether or not he or she receives public assistance, can apply for support services. Support services are free. Some of the services available are:

- locating the parent(s) for child support enforcement purposes;
- establishing paternity (legal fatherhood);
- establishing a child and/or medical support (health insurance) order;
- enforcing a child and/or medical support order;
- changing an existing court order for child and/or medical support;
- enforcing a spousal support order with a child support order;
- · collecting and distributing support payments.

CUSTODY AND VISITATION SERVICES ARE NOT PROVIDED.

THE LOCAL CHILD SUPPORT AGENCY PROVIDES SERVICES ON BEHALF OF THE COUNTY. THE LOCAL CHILD SUPPORT AGENCY DOES NOT REPRESENT YOU AND IS NOT YOUR ATTORNEY. BECAUSE YOU ARE NOT ITS CLIENT, THE LOCAL CHILD SUPPORT AGENCY MAY PROVIDE ENFORCEMENT SERVICES TO YOU OR THE OTHER PARENT IN THE FUTURE, AND THE INFORMATION YOU PROVIDE IS NOT PRIVILEGED OR KEPT CONFIDENTIAL UNDER ATTORNEY-CLIENT PRIVILEGE.

COOPERATION WITH CHILD SUPPORT

When you request services, you must cooperate with the local child support agency by providing any information or documents needed to establish paternity and/or locate the other parent and to get support payments for your child. Once you request services of the local child support agency, the local child support agency will determine the appropriate actions to take. All support payments must be made to the State Disbursement Unit. If payments are made directly to you, these payments must be turned over to the State Disbursement Unit.

When you apply for, or receive support services, you are responsible for promptly informing the child support agency of any changes that could affect your child support case or the work of the local child support agency. Some examples are:

- child leaves your home;
- telephone number or address changes (including a move to another county, state, or country);
- stopping public assistance, such as California Work Opportunity and Responsibility to Kids (CalWORKs);
- name change;
- initiation of divorce or other legal proceedings involving your child;
- information regarding the other party;
- direct receipt of any child, spousal or family support payment.

YOUR RIGHTS

You have the right to seek legal advice from a private attorney or legal services office at your own expense. If you hire an attorney, you must tell the local child support agency. For free information and/or legal assistance, you may contact the Superior Court's Office of the Family Law Facilitator. Free or reduced cost legal services may also be available at your legal services office.

If you have a support order in the State of California, you may ask the local child support agency to review your support order to determine if the amount of support should be changed based on statewide guidelines. If the amount of support does not meet guidelines for change, the local child support agency must give you or the other parent, upon request, information on how to get the forms to request the court to change the amount of support ordered. The Family Law Facilitator can also help free of charge. The local child support agency must tell you of the date, time, and purpose of every hearing for paternity or support. You have the right to read the court file, unless that information is legally prohibited by confidentiality requirements.

Upon your request, the local child support agency may give you copies of the most recent order entered in your case file. You can go to court to enforce your support order, but you must give the local child support agency advance notice that you intend to file your own enforcement action. If the local child support agency does not respond to your notice within thirty (30) days or if the local child support agency tells you that you can proceed, you can then file your own enforcement action with the Superior Court as long as all support is payable through the local child support agency.

The local child support agency must have the permission of a non-public assistance recipient before filing a stipulation affecting the support order in which that person is named as a party. The local child support agency cannot, without a public assistance recipient's consent, enter into a stipulation that will decrease the amount of overdue support when the recipient is owed overdue support that is more than the amount of public assistance paid to the recipient.

If you are not receiving public assistance, the payments the State receives are applied in the following order:

- 1. Current monthly support;
- 2. Interest;
- 3. Past due support; and
- 4. Future obligations.

Federal income tax refunds owed to the noncustodial parent can be intercepted by the child support agency, and are applied differently than other payments. By federal law, this money cannot be applied to current support obligations. It must be applied to the past due child support. If a custodial party has received public assistance, including Medi-Cal, the past due child support owed to the government will be paid first.

All case types that are eligible for Federal income tax refund offset are eligible for administrative offset. The following types of payments are available for administrative offset. They include both recurring and nonrecurring payments. Recurring payments are payments that are issued on a regular, routine, or repeated basis. A nonrecurring payment is issued once and not expected to be repeated, such as a lump-sum retirement payment.

The Federal payments currently included in administrative offset are: Federal retirement payments, vendor, and miscellaneous payments (i.e., expense reimbursement payments and travel payments).

Administrative Offset and Federal Tax Refund Offset are allowed by 31 United States Code Section 3716, 42 United States Code Section 664, 26 United States Code Section 6402, and 45 Code of Federal Regulations Section 303.72.

State income tax refunds and lottery awards owed to the noncustodial parent can also be intercepted by the child support agency and are applied according to the Child Support Program distribution regulations (Manual of Policy and Procedures, Sections 12-415 and 12-420). Franchise Tax Board intercept and lottery award collections are applied to all current support and then to past due child support, including past due medical support.

CALIFORNIA DOES NOT CHARGE AN APPLICATION FEE AND DOES NOT CHARGE FOR THE CHILD SUPPORT SERVICES PROVIDED TO APPLICANTS. HOWEVER, SOME STATES DO CHARGE A FEE FOR SERVICES. IF YOUR CASE INVOLVES ONE OF THOSE STATES, THEY MAY DEDUCT THE FEE FROM THE SUPPORT PAYMENTS, OR ADD IT TO THE BALANCE THAT IS OWED.

NOTICE OF COLLECTIONS AND DISTRIBUTION

Custodial Party will get a Notice of Collections and Distribution of support payments every month. The Notice will show all support that was collected and paid out during the period shown on the Notice, and if that money was applied to current support, or past due support. A Notice of Collections and Distribution will not be sent in any month that no support was received or paid out.

MEDICAL SUPPORT AND MEDI-CAL

Either or both parents can be required to provide health insurance if health insurance is available at a reasonable cost.

In general, the cost of health insurance is reasonable if it is employment-related group health insurance or other group health insurance. However, in determining reasonable cost, the court will also consider the actual cost of the health insurance to the parent(s).

The local child support agency will ask the court to establish or change a child support order to require the parent(s) to provide health insurance if it is available at a reasonable cost. The custodial parent may also request that the local child support agency change the child support order to include a provision for health insurance. This may affect the amount of the monthly child support obligation. If the noncustodial parent is ordered to provide health insurance coverage, the local child support agency will contact the noncustodial parent and his or her employer, if necessary, to secure health insurance for the child. After the local child support agency receives the policy information, the information will be given to the custodial parent.

Having private health insurance coverage does not prevent the Custodial Party from having Medi-Cal coverage. If the Custodial Party receives Medi-Cal and has individual or group health private coverage (including dental or vision coverage), the Custodial Party is required by federal and state law to tell the county welfare department (CWD), the health care provider, and the child support agency. Failure to provide this information is a misdemeanor. The Custodial Party must report to the CalWORKs eligibility worker and/or child support agency within ten (10) days when private health coverage changes or stops. The Custodial Party must also tell the CalWORKs eligibility worker and/or child support agency about any court order regarding health insurance.

If the Custodial Party is only receiving Medi-Cal, the Custodial Party must cooperate in establishing paternity and obtaining medical support as a condition of continued eligibility for Medi-Cal benefits, unless the Custodial Party has filed and the CWD has approved a claim of "good cause" (CA 51) for not cooperating. Your child(ren) will still be eligible for Medi-Cal. Also, all child support services will be given, unless the Custodial Party tells the local child support agency that he or she does not want services that are unrelated to obtaining medical support and establishing paternity. Obtaining medical support may reduce the amount of the child support received. In cases where both parents are in the home, the local child support agency will establish paternity only.

Under Federal law [42 U.S.C. Section 1396(a) (25)], health insurance belonging to a Medi-Cal recipient in a child or medical support enforcement case is used as follows:

The service provider will bill Medi-Cal. Medi-Cal will pay the service provider. Then Medi-Cal will seek repayment from the other health insurance coverage. You are not responsible for any insurance cost-sharing amount (co-insurance, co-payment or deductible) unless a Medi-Cal co-payment or share of cost must be met. The provider may bill you for the service if you do not cooperate in identifying your private health insurance. If your other health insurance is a Prepaid Health Plan (PHP) or a Health Maintenance Organization (HMO), you must use the plan facilities for regular medical care. Except for out-of-area service or emergency care, Medi-Cal will not pay for services provided by a provider not associated with your PHP/HMO. Out-of-area services or emergency care should be billed to the PHP/HMO.

FOR MORE INFORMATION ON CHILD SUPPORT SERVICES, PLEASE REFER TO YOUR CHILD SUPPORT HANDBOOK

NONDISCRIMINATION STATEMENT

It is the policy of the State of California to ensure that all individuals are treated equally and that no person shall, on the basis of ethnic group identification, race, color, national origin, political affiliation or belief, religion, sex, age or disability be excluded from participation in, denied the benefits of any program or service, or otherwise be subjected to treatment that is different than that provided to others.

Each local child support agency has a designated Civil Rights Coordinator. Any applicant/recipient who feels they have been subjected to discriminatory treatment may file a complaint of discrimination by first contacting the local child support agency's designated Civil Rights Coordinator through the State Customer Service Support Center (CSSC) or by writing to the California Department of Child Support Services, Attn: Human Services Section, Civil Rights Office, P.O. Box 419064, Rancho Cordova, CA 95741-9064 or call (866) 901-3212.

INSTRUCTIONS FOR COMPLETING THE SIMPLIFIED APPLICATION FOR CHILD SUPPORT SERVICES

DCSS 0373 (08/16/04)

The processing of your case depends upon the information you provide on this form. Please provide as much information as possible. Answer every question completely. If you do not know the answer, print "UNKNOWN." If the question does not apply, print "N/A."

Before you begin, please read the Child Support Handbook. This book explains the services available through the local child support agency. Also, read the Child Support Enforcement Program Notice. This notice explains your responsibility to the local child support agency and the local child support agency's responsibility to you. The local child support attorneys or Attorney General or any of their representatives are not your attorney or the child(ren)'s attorney.

Please complete all the forms in BLACK INK and PRINT clearly.

FACTS ABOUT CUSTODIAL PARTY OR GUARDIAN AND CHILD(REN)

This section is about the person or party who has primary custody of the child(ren). Please complete the entire section. If you are the custodial party, be sure to give us a telephone number where you may be reached during the day.

If the children named in the application have different noncustodial parents, a separate application must be completed for each noncustodial parent. If you need additional space for any section, attach a separate sheet of paper or use the Comment Section provided at the end of the first page.

Please list all the child(ren) of the parents named for whom support services are being requested. Complete the full name of each child, including first name, middle name, last name, and suffix (Jr., Sr., III, etc.)

There are several questions within this section related to determining the biological father of the child(ren) named in the application. One question asks whether a Declaration of Paternity has been signed. The Declaration of Paternity is a legal form that, when signed (usually at the hospital or clinic) by both parents, says the man is the legal father. Signing the form and submitting it to the Department of Child Support Services legally establishes the man as the child's father without having to go to court.

A second question asks whether a Paternity Judgment has been established. A Paternity Judgment is an order from the court that, through the legal process, determines the biological father of the child(ren). Determining the biological father is necessary before child support can be ordered by the court.

Comments: You may use this section as extra space, if needed, or add any additional information you think might help us establish or enforce an order for the child(ren). You may include information about the other person's temper, whether they own rifles or handguns, if they have made threats against you or the child(ren), etc.

FACTS ABOUT NONCUSTODIAL PARENT

If you are the Custodial Party, this section may require you to look through old papers to find some of the information requested. The more information we have in this section the better and faster we will be able to serve you.

If at all possible, please provide the noncustodial parent's Social Security Number or numbers. If you do not know the exact date of birth, provide the approximate age.

Please provide any and all financial information about the noncustodial parent. Attach additional page(s) as needed or use the Comment Section on the first page.

If you are the noncustodial party, be sure to give us a telephone number where you may be reached during the day.

SIGNATURE OF APPLICANT

We will not be able to open this case without your signature. Your signature indicates that you have answered the questions on the application to the best of your ability and that you want to open this case. It also indicates that you have read the information provided above the signature line carefully.